

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

George Stewart, on behalf of himself
and others similarly situated,

Plaintiff,

v.

**Texas Tech University Health Sciences
Center**, et al.,

Defendants.

Case No. 5:23-cv-00007-H

**NOTICE TO THE COURT REGARDING SERVICE OF
DEFENDANTS**

All of the defendants in this case—with the exception of the Texas Tech defendants—have agreed to waive service, and executed waiver forms were filed with the Court on July 17, 2023 (ECF No. 28).

As for the Texas Tech defendants: counsel for Mr. Stewart has e-mailed waiver-of-service forms twice to Eric Bentley, the general counsel of Texas Tech University—once on January 10, 2023, and again on July 14, 2023. *See* Exhibits 1 and 3. Mr. Bentley responded with an e-mail on January 12, 2023, stating “We will be represented by the Office of the Attorney General of Texas in this litigation and someone from that office should be reaching out to you shortly.” Exhibit 2.

On July 14, 2023, we sent the following e-mail to Mr. Bentley:

Mr. Bentley:

The Court has ordered us to serve all of the defendants by July 21, 2023 or face dismissal under FRCP 4(m).

The other defendants in the case, other than the Texas Tech defendants, have agreed to waive service and we will file their waiver-of-service forms shortly.

Could you please let us know whether the Texas Tech defendants would prefer: (1) To execute a waiver of service; (2) To appear in the case on or before July 21, 2023; or (3) Have me arrange for hand-service?

I have attached the waiver-of-service forms to this e-mail. Please feel free to call me if you'd like to discuss. (512) 686-3940.

Exhibit 3. Mr. Bentley has not responded to our e-mail of July 14, 2023. We e-mailed Mr. Bentley again on July 23, 2023, requesting that his office respond to our inquiries. *See* Exhibit 4. We intend to call the general counsel's office at Texas Tech later today in the hopes of securing the necessary waivers of service. If those efforts fail, we will arrange for manual service this week and file the proof of service with the Court.

Counsel apologizes for the delay in resolving these service issues with the Texas Tech defendants but expects them to be resolved very soon.

Respectfully submitted.

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* admitted *pro hac vice*

*Counsel for Plaintiff
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Dated: July 24, 2023

CERTIFICATE OF SERVICE

I certify that on July 24, 2023, I served this document through CM/ECF upon all counsel of record in this case.

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Counsel for Plaintiff
and Proposed Class